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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SAMUEL RODRIGUEZ LOPEZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 08-72489

Agency No. A074-804-492

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 19, 2010**

Before: B. FLETCHER, REINHARDT, and WARDLAW, Circuit Judges.

Samuel Rodriguez Lopez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying his motion to reopen based on ineffective assistance of counsel. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen,

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Iturribarria v. INS, 321 F.3d 889, 894 (9th Cir. 2003), and we deny the petition for review.

The BIA did not abuse its discretion in denying Rodriguez Lopez's motion to reopen as untimely because he filed the motion almost eight years after the BIA's January 31, 2000, order, *see* 8 C.F.R. § 1003.2(c)(2), and Rodriguez Lopez failed to establish that he acted with the due diligence required for equitable tolling, *see Iturribarria*, 321 F.3d at 897; *cf. Ghahremani v. Gonzales*, 498 F.3d 993, 1000 (9th Cir. 2007).

In light of our disposition, we do not reach Rodriguez Lopez's remaining contentions.

PETITION FOR REVIEW DENIED.